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Wyeth

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Legal Staff
International Division

Date: December 15, 2006

Number of pages (including cover): 5

To: Richard M. Ross

Office of PCT Legal Administration

Telephone: 571 272-3296

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CC:

From: Carol E. Rozek

Department: Patent Law, Pearl River

Telephone: (845) 602-4760

Fax: (845) 602-5848

☐ Urgent☐ For your review☐ Please reply asap☐ Please comment

Remarks:

Re: U.S. Application No. 10/583,014
Decision of Petition
Our Number AM101242

See Attached.

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PTO/SB/64 (09-06)

Approved for use through 03/31/2007. OMB 0851-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

AM101242

First named inventor: ALLIKMETS, Ene

Application No.: 10/583,014 Art Unit:

Filed: December 10, 2004 Examiner:

Title: SERUM-FREE VERO CELL BANKING PROCESS

Attention: Office of Petitions
Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450
 FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$ 1,500.00 (37 CFR 1.17(m)) Charge to Deposit Account
 Number 01-1425

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of a response to Decision on Petition (identify type of reply):

☐ has been filed previously on _____
☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ _____

☐ has been paid previously on _____
☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/64 (09-06)

Approved for use through 03/31/2007, OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Carol E. Rozek
Signature

12/15/06
Date

Carol E. Rozek
Typed or printed name
Wyeth
Five Giralda Farms
Address

36,993
Registration Number, if applicable
845 602-4760
Telephone Number

Madison, NJ 07940
Address

Enclosures: ☒ Fee Payment Charge to Deposit Account 01-1425

☒ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☒ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

12/15/06
Date

Rose Ann Jastrow
Signature

Rose Ann Jastrow
Typed or printed name of person signing certificate

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/583,014 Confirmation No. 9750
Int'l Filing Date: December 10, 2004
Applicant : Allikmets, et al.
TC/A.U. : Not yet assigned
Examiner : Not yet assigned
Docket No. : AM101242
Customer No. : 25291

December 15, 2006

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION FOR REVIVAL OF AN APPLICATION FOR
PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Sir:

On October 2, 2006, the United States Designated/Elected Office mailed a Notification of Abandonment indicating that the above-identified application was abandoned for allegedly failing to provide the "full U.S. Basic National Fee by 30 months." Specifically, the Notification indicated that the deposit account provided by Applicants was invalid.

On November 16, 2006, Applicants filed a petition to revive the application. Applicants had determined that the invalid deposit account was the result of a typographical error and requested that the basic national fee be charged to the correct deposit account.

On December 8, 2006, the Office of PCT Legal Administration dismissed Applicants' petition, which was handled as a petition to withdraw abandonment, because the fact remained "that a valid form of payment of the basic national fee was not filed in the USPTO prior to the expiration of the thirty-month deadline."

In response, Applicants are filing herein a petition to revive the present application, with all required elements, including the petition fee. See completed Form

Application No. 10/583,014
Response dated December 15, 2006
Response to Decision of Petition mailed 12/8/06

PTO/SB/64. Applicants request that the basic national filing fee be charged to deposit account 01-1425, and that Applicants' petition be granted.

Respectfully submitted,



Carol E. Rozek
Reg. No. 36,993

Wyeth
Patent Law Department
Five Giralda Farms
Madison, NJ 07940
Tel No. (845) 602-4760

12/18/2006 SBASHEIR 00000001 011425 10583014
01 FC:1453 1500.00 DA
02 FC:1631 300.00 DA